



County of Hawai'i Planning Department

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HOME OCCUPATION DECLARATION

Chapter 25 (Zoning Code) allows a HOME OCCUPATION as **incidental and subordinate to the use of a dwelling** situated ONLY within the State Land Use URBAN District and within any County of Hawai'i zoning district in which a single family dwelling is permitted, as stated in Section 25-4-13 (emphases added):

- (a) A home occupation shall be permitted as incidental and subordinate to the use of a dwelling in any district in which a dwelling is located, *provided that the home occupation does not change the character and external appearance of the dwelling.*
- (b) All home occupations shall comply with the following standards:
 - (1) The home occupation shall be conducted either entirely within the dwelling or, if outside the dwelling, the activity shall be screened from public view.
 - (2) *No exterior signs, symbols, displays or advertisements* relating to the home occupation shall be displayed, nor shall any interior signs be visible from the public view.
 - (3) Any materials, supplies or products relating to the home occupation which are stored outside of the dwelling or other fully enclosed building shall be screened from the public view.
 - (4) *Articles sold on the premises shall be limited to those produced by the home occupation*, or to instructional materials pertinent to the home occupation, or to services provided by the home occupation.
 - (5) *Only one employee* shall be permitted in addition to household members under the home occupation.
 - (6) A minimum of *one parking space* shall be provided on the building site *in addition to parking required for the dwelling use* or other permitted uses if the home occupation involves customer or client visits or meetings. The director may require additional parking spaces where the director finds that such additional parking spaces may be reasonably necessary to avoid off-site or inappropriate parking locations. Any resident of a multiple-family dwelling may fulfill the parking requirement by the use of guest parking with the written approval of the building owner, manager or condominium association.
- (c) A person desiring to engage in a home occupation that involves any of the following activities, shall file with the director, a declaration in the form designated by the director, verifying that the home occupation will comply with all of the conditions contained in subsection (b) and will not involve any of the activities listed under subsection (e):
 - (1) Frequent customer or client visits;
 - (2) Frequent deliveries or pickups;
 - (3) Storage of materials, supplies or products related to the home occupation outside of the dwelling or other fully enclosed building;
 - (4) Activities conducted outside of the dwelling; or
 - (5) Group instruction.
- (d) *A special permit shall be obtained* for any home occupation on a building site that is situated *within either the State land use rural or agricultural district.*

(over)

(e) The following activities shall not be permitted as home occupations:

- (1) Contractor storage yards, including without limitation, the storage, use, repair or fabrication of equipment designed or intended for use in land excavation or in the construction of buildings or other structures or other similar heavy equipment.
- (2) Repair, fabrication or painting of automobiles or other motorized vehicles, except those owned by household members and which are not sold or made available for sale within one year of such activity regarding any particular vehicle.
- (3) Care, treatment or boarding of animals in exchange for money, goods, services or other consideration.
- (4) Any activities and uses which are only permitted in industrial districts.

Penalty for violation is specified in CHAPTER 25 (ZONING CODE), ARTICLE 2 (ADMINISTRATION AND ENFORCEMENT), Division 3. Violations, Penalties, Enforcement, Sections 25-2-30 through 25-12-36. Section 25-2-35 states in part that violation of Zoning Code could require violator to "Pay a civil fine not to exceed \$500 per day for each day in which the violation persists." "Fines assessed under this section shall constitute a lien upon the subject property upon the filing of said lien with the bureau of conveyances."

Proposed Use: _____

Description of Operations *(Include hours and days of operation, expected number of vehicles, number of off-street parking stalls available, number of students if group instruction, etc. Planning Department may request additional information.):* _____

Declaration: I acknowledge that I have read the above, I will comply with all of the provisions of the Zoning Code, and I have a copy of this signed Declaration and Zoning Clearance.

Landowner's Name *(please print)*

Landowner's Signature

Operator of Home Occupation *(please print)*

Operator of Home Occupation Signature

Phone number: _____

Email: _____

Date: _____

TMK: _____